



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

BRIAN JAMES HUFFSTICKLE and
MICHELLE DAWN HUFFSTICKLE,
Plaintiffs,

vs.

21ST MORTGAGE,
Defendant.

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CIVIL ACTION 0:19-2523-MGL-PJG

**AMENDED ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Plaintiffs Brian James Huffstickle (B. Huffstickle) and Michelle Dawn Huffstickle (M. Huffstickle) (collectively, the Huffstickles) brought this action against 21 Mortgage seeking equitable relief concerning Defendant 21st Mortgage's (21st Mortgage) mortgage practices. The Huffstickles are self represented.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting 21st Mortgage's motion for summary judgment be granted. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Clerk mailed a second copy of the Report to the Huffstickles on April 22, 2021, one to B. Huffstickle and one to M. Huffstickle. But, as before, neither filed any objections. In fact, the Report sent to M. Huffstickle was returned by the Post Office to the Clerk.

“[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court 21st Mortgage’s motion for summary judgment is **GRANTED**.

IT IS SO ORDERED.

Signed this 10th day of April, 2023, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The Huffstickles are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to the Federal Rules of Appellate Procedure.